

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NEW PAR, A	)	
DELAWARE PARTNERSHIP, D/B/A	)	CASE NO. 97-331
AIRTOUCH CELLULAR, FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY	)	

O R D E R

On August 1, 1997, New Par, d/b/a Airtouch Cellular ("New Par") filed its application to construct a cellular facility in the Hebron area of Boone County, Kentucky. A hearing was to have taken place in this matter on November 10, 1997. On that date, New Par sent, via facsimile, a motion requesting that the hearing be continued. As grounds for its motion, New Par stated that it was preparing an amendment to its application to indicate that the proposed facility would be constructed in a new lease area so near the originally proposed site that additional property owners probably would not be within the five hundred foot radius within which notification is required by 807 KAR 5:063. New Par also suggests in its motion that its hearing in this matter be rescheduled for November 19, 1997, when its personnel and the intervenor herein, the Boone County Planning Commission, will be present in Frankfort for other hearings. New Par's motion to amend was filed November 14, 1997.

On November 11, 1997, SprintCom, Inc. ("SprintCom") filed a motion to intervene in this matter, explaining that it currently holds the lease on the site described in New Par's original application. New Par's lease, says SprintCom, has expired, and SprintCom received its current lease on the property when "AirTouch failed or otherwise refused"

to include a collocation provision for SprintCom according to the wishes of the lessor. SprintCom contends that it has a special interest in this proceeding not otherwise represented, that its presence will assist the Commission in considering this matter fully, and that its presence will not unduly complicate the proceedings. SprintCom also urges the Commission to reject the November 19 date requested by New Par and to schedule an informal conference to discuss the parties' efforts to achieve a collocation agreement.

The Commission finds that Air Touch's motion should be granted in part and denied in part. The hearing on its application should be continued generally. However, it would be precipitous to schedule a hearing on a matter potentially involving the complicated issues discussed herein on so near a date as New Par suggests.

The Commission also finds that SprintCom's motions to intervene and to schedule an informal conference should be granted. SprintCom correctly assesses this Commission's policy of encouraging collocation of wireless facilities. The Commission is disturbed at the apparent inability of these two utilities, both of which appear to require facilities within the same immediate area, to agree on terms of collocation. Certainly it is inappropriate for both utilities knowingly to plan to construct facilities within so small an area, particularly when the local planning commission objects to the use of this particular area for even a single facility. Accordingly, all parties should appear at the Commission's offices to discuss collocation and settlement of their differences.

The Commission being sufficiently advised, IT IS THEREFORE ORDERED that:

1. New Par's motion is granted in part and denied in part, and the hearing in this matter is continued generally.

2. SprintCom's motion to intervene is granted.
3. SprintCom is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by the parties after the date of this Order.
4. Should SprintCom file documents of any kind with the Commission in the course of these proceedings, it shall also serve a copy of said documents on all other parties of record.
5. An informal conference on the proposed site and on the issue of collocation is scheduled for December 1, 1997, at 1 p.m., in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 19th day of November, 1997.

PUBLIC SERVICE COMMISSION

  
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For the Commission

ATTEST:

  
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Executive Director